

IC 34-18-12

Chapter 12. Liability Based on Breach of Contract; Informed Consent

IC 34-18-12-1

Health care provider liability; actions based on breach of contract

Sec. 1. Liability may not be imposed on a health care provider on the basis of an alleged breach of contract, express or implied, assuring results to be obtained from any procedure undertaken in the course of health care, unless the contract is in writing and signed by that health care provider or by an authorized agent of the health care provider.

As added by P.L.1-1998, SEC.13.

IC 34-18-12-2

Informed consent; rebuttable presumption

Sec. 2. If a patient's written consent is:

- (1) signed by the patient or the patient's authorized representative;
- (2) witnessed by an individual at least eighteen (18) years of age; and
- (3) explained, orally or in the written consent, to the patient or the patient's authorized representative before a treatment, procedure, examination, or test is undertaken;

a rebuttable presumption is created that the consent is an informed consent.

As added by P.L.1-1998, SEC.13.

IC 34-18-12-3

Informed written consent; explanation of proposed treatment, outcome, and risks

Sec. 3. The explanation given in accordance with section 2(3) of this chapter must include the following information:

- (1) The general nature of the patient's condition.
- (2) The proposed treatment, procedure, examination, or test.
- (3) The expected outcome of the treatment, procedure, examination, or test.
- (4) The material risks of the treatment, procedure, examination, or test.
- (5) The reasonable alternatives to the treatment, procedure, examination, or test.

As added by P.L.1-1998, SEC.13.

IC 34-18-12-4

Duty to obtain informed consent

Sec. 4. This chapter does not relieve a qualified health care provider of the duty to obtain an informed consent.

As added by P.L.1-1998, SEC.13.

IC 34-18-12-5

Withdrawal of consent

Sec. 5. This chapter does not prevent a patient, after having signed a consent, from withdrawing that consent.

As added by P.L.1-1998, SEC.13.

IC 34-18-12-6**Writing not required**

Sec. 6. This chapter does not require that a patient's consent or the information described under section 3 of this chapter be in writing in all cases.

As added by P.L.1-1998, SEC.13.

IC 34-18-12-7**Compliance with chapter**

Sec. 7. Compliance with this chapter is not required to create an informed consent.

As added by P.L.1-1998, SEC.13.

IC 34-18-12-8**Patient refusal to receive information**

Sec. 8. A patient may refuse to receive some or all of the information described in section 3 of this chapter.

As added by P.L.1-1998, SEC.13.

IC 34-18-12-9**Consent not required; mental disability or emergency**

Sec. 9. Sections 2 and 3 of this chapter do not apply to a person who is mentally incapable of understanding the information required to be provided by section 3 of this chapter. This section does not require consent to health care in an emergency.

As added by P.L.1-1998, SEC.13.